



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,964	09/07/2000	Yoshinori Tahara	JP9-1999-0202	1949

7590 11/27/2002

William E Lewis
Ryan Mason & Lewis LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 11/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/656,964	TAHARA ET AL. <i>10</i>	
	Examiner	Art Unit	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4,8 and 12 is/are allowed.
- 6) Claim(s) 1-3,5-7 and 9-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4,8, and 12 are allowable over the prior art of record.

2. The following is a statement of reasons for the indication of allowable subject matter: .

As per claims 4,8, and 12, the recited claim limitations pertaining to a speech recognition system utilizing a sounds like spelling scores in conjunction with a two layer voice recognition process is not explicitly taught by the prior art of record.

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3,5-7,9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchins (5208897) in view of IBM Technical Disclosure Bulletin (Vol. 35, Issue 1a, pp 59).

As per claims 1-3,5-7,9,10 Hutchins (5208897) teaches:

obtaining a word inscription specified by a user as ascii spelling of subsyllable (Fig. 4a)

“searching a word dictionary.....corresponding to a word inscription” as dictionary searching (col. 9 line 48 – col. 11 line 42)

“searching a pronunciation dictionary.....to obtain a base form” as pronunciation/phonetic influences (col. 9 lines 13-45)

“registering the base form into a dictionary” as base form in the dictionary (col. 9 line 50 – col. 10 line 58)

Hutchins does not explicitly teach the use of ‘sounds-like-spelling’ technique in the dictionary functions, however, IBM TDB teaches the use of ‘sounds like spelling’ in the Tangora Automatic Speech Recognizer (see disclosure text). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to modify the teachings of Hutchins with a ‘sounds like spelling’ technique because it would advantageously allow user to enter the information more accurately than the phonetic pronunciations (IBM TBD, disclosure text, near the end).

As per claims 2,6,10, the combination of Hutchins (5208897) in view of IBM TDB teaches:

“sounds like spelling score” as scoring the sounds like spelling (IBM TBD)

As per claims 2-3,6,7,10, and 11, the combination of Hutchins (5208897) in view of IBM TDB teaches displaying the sounds-like spelling (IBM TBD, lines 9-14)

As per claims 2-3,6,7,10, and 11, the combination of Hutchins (5208897) in view of IBM TDB teaches determining a pronunciation score and threshold (Hutchins, Fig. 7, see related text of explanation of fig. 7)

As per claims 2,6,10, the combination of Hutchins (5208897) in view of IBM TDB teaches showing system status and recognition results (Hutchins, fig. 3)

As per claims 3,7, and 11, the combination of Hutchins (5208897) in view of IBM TDB teaches retrieving voice information, matching, and a second voice pronunciation matching (Hutchins, col. 32 line 1-31).

Response to Arguments

6. Applicant's arguments filed 9/24/2002 have been fully considered but they are not persuasive. As per applicant's arguments that there is no reason to combine the references, examiner argues that it would advantageously allow user to enter the information more accurately than the phonetic pronunciations (IBM TBD, disclosure text, near the end). As per applicant's arguments that Hutchins has nothing to do with word registration in a SR dictionary, examiner disagrees and point to Hutchins teaching a growing dictionary (col. 10 lines 1-11). As per applicant's arguments present on pp 12 of the response, examiner disagrees and points to Hutchins (obtaining a word inscription specified by a user as ascii spelling of subsyllable (Fig. 4a), dictionary searching (col. 9 line 48 – col. 11 line 42), pronunciation/phonetic influences (col.

9 lines 13-45) and base form in the dictionary (col. 9 line 50 – col. 10 line 58)) and especially the word registration feature. Lastly, In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sabourin (6208964) teaches speech recognition with transcription adaptation for dictionary building. Shaw et al (6363342) teaches word pronunciation matching and transcription building. Kuhn et al (6230131) teaches spelling-to-pronunciation tree structured transcription processing. Molnar et al (6411932) teaches word training fro a system.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2655

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno
11/20/2002

Doris H. To
DORIS H. TO
PRIMARY EXAMINER
11/22/02